

ITEM # \_\_\_\_\_

**SEMINOLE COUNTY GOVERNMENT  
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION  
AGENDA MEMORANDUM**

**SUBJECT:** Howell Branch Townhomes Rezone from A-1 (Agriculture) and R-3A (Multiple-Family Dwelling) to R-3A (Multiple-Family Dwelling)

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Tony Walter **CONTACT:** Tina Williamson EXT. 7353

**Agenda Date** 5/3/06      **Regular** ☐      **Work Session** ☐      **Briefing** ☐  
   **Special Hearing – 6:00** ☐      **Public Hearing – 7:00** ☒

**MOTION/RECOMMENDATION:**

1. **RECOMMEND APPROVAL** of a request to rezone 7.03 ± acres, located on the west side of Howell Branch Road, 0.18 ± miles north of Aloma Avenue, from A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to R-3A (Multiple Family Dwelling), subject to the attached Development Plan and Development Order, based on staff findings (Tony Cipparone/Legacy Investments LLC., applicant); or
2. **RECOMMEND DENIAL** of a request to rezone 7.03 ± acres, located on the west side of Howell Branch Road, 0.18 ± miles north of Aloma Avenue, from A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to R-3A (Multiple Family Dwelling) (Tony Cipparone/Legacy Investments LLC., applicant); or
3. **CONTINUE** the item to a time and date certain.

District 1 – Comm. Dallari

Tina Williamson, Principal Coordinator

**BACKGROUND:**

The applicant is requesting a rezone from A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to R-3A (Multiple Family Dwelling), in order to develop a 60-unit townhouse project on the subject property. The Future Land Use designation on the subject property is Medium Density Residential, which is consistent with the requested zoning district. In 2002, the County processed a rezoning application to R-3A for the southern portion of the subject property. The rezone

Reviewed by: \_\_\_\_\_  
Co Atty: KFT  
DFS: \_\_\_\_\_  
OTHER: \_\_\_\_\_  
DCM: \_\_\_\_\_  
CM: \_\_\_\_\_

File No. Z 2006-012

was approved, however the property owner chose not to sign the Development Order and associated Development Plan. Later that year, a rezone application to R-3A for the entire subject property was filed, however it was withdrawn prior to final approval. At this time, there is not an approved Development Order in effect on the subject property.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of a request to rezone 7.03 ± acres, located on the west side of Howell Branch Road, 0.18 ± miles north of Aloma Avenue, from A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to R-3A (Multiple Family Dwelling), subject to the attached Development Plan and Development Order.

Attachments:

Location Map  
FLU/Zoning Map  
Aerial Photo  
Development Plan  
Development Order  
Rezone Ordinance

## Howell Branch Townhomes Rezone from A-1 and R-3A to R-3A

APPLICANT	Tony Cipparone/Legacy Investments LLC	
PROPERTY OWNER	Branch Investments LLC, Robert Horian Registered Agent	
REQUEST	A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to R-3A (Multiple Family Dwelling)	
PROPERTY SIZE	7.03 ± acres	
HEARING DATE (S)	P&Z: May 3, 2006	BCC: June 27, 2006
PARCEL ID	35-21-30-300-040A-0000, 35-21-30-300-0410-0000	
LOCATION	On the west side of Howell Branch Road, 0.18 ± miles north of Aloma Avenue	
FUTURE LAND USE	Medium Density Residential	
ZONING	A-1 (Agriculture) and R-3A (Multiple-Family Dwelling)	
FILE NUMBER	Z2006-012	
COMMISSION DISTRICT	#1 – Dallari	

### PROPOSED DEVELOPMENT:

The applicant is requesting a rezone from A-1 (Agriculture) and R-3A (Multiple-Family Dwelling) to R-3A (Multiple-Family Dwelling), in order to develop a 60-unit townhouse project with a density of 10 units per net buildable acre.

### ANALYSIS OVERVIEW:

#### ZONING REQUEST

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) district and the requested R-3A (Multiple-Family Dwelling) district:

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (R-3A)
Minimum Lot Size	43,560 square feet	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150'	N/A
Setback from the Project Boundary	N/A	50' (east and west) 35' (north and south)
Front Yard Setback	50'	20' (from back of sidewalk)
Side Yard Setback	10'	5' on exterior units, 0' for interior units
(Street) Side Yard Setback	50'	5'
Rear Yard Setback	30'	5'
Maximum Building Height	35'	35'

## PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses	A-1 (existing)	R-3A (proposed)
Permitted Uses	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	One-, two-, or three-story apartments, townhomes, or condominiums and their customary accessory and personal service uses. Public and private elementary schools.
Special Exception Uses	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	Middle schools, high schools, churches, personal service uses, if not approved at time of zoning, adult living facilities and group homes, communication towers and private recreational facilities constructed as an accessory use to civic, fraternal or social organizations.
Minimum Lot Size	1-Acre	N/A

## COMPATIBILITY WITH SURROUNDING PROPERTIES

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

	(North)			
	<b>MDR</b> Apartments <i>R-3A</i>	<b>MDR</b> Howell Branch Road/BCC Owned Retention Pond <i>A-1</i>	<b>MDR</b> Howell Branch Road/Single-Family Residence <i>A-1</i>	
(West)	<b>MDR</b> Condominiums <i>R-3A</i>	<b>MDR</b> Vacant <i>A-1/R-3A</i>	<b>PUD</b> Howell Branch Road/Single-Family Residence (Avg. 5,125 sq. ft. lots) <i>PD</i>	(East)
	<b>COMM</b> Retail Center <i>C-2</i>	<b>MDR</b> BCC Owned Retention Pond <i>PD</i>	<b>PUD</b> Howell Branch Road/Single-Family Residence (Avg. 5,125 sq. ft. lots) <i>PD</i>	
	(South)			

- **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps

## SITE ANALYSIS:

### ENVIRONMENTAL IMPACTS

#### *Floodplain Impacts:*

Based on FIRM map number 12117C0210 E with an effective date of April 17, 1995, the site does not appear to contain any floodplains.

### *Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, there appear to be no wetlands on the subject property.

### *Endangered and Threatened Wildlife:*

Based on a preliminary analysis, there appear to be no endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

### **PUBLIC FACILITY IMPACTS**

Rule 9J-5.0055(3)(c); Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The proposed development has undergone Concurrency Review and sufficient roadway capacity is available. Sufficient water and sewer capacity are available subject to the execution of a Utility Agreement.

The following table depicts the estimated impacts the proposed development has on public facilities:

<b>Public Facility</b>	<b>Existing Zoning (A-1)*</b>	<b>Proposed Development*</b>	<b>Net Impact</b>
Water (GPD)	2,450	21,000	18,550
Sewer (GPD)	2,100	18,000	15,900
Traffic (ADT)	67	352	285
Schools			
Elementary	2	7	5
Middle	1	3	2
High	1	3	2

\* Existing Development is based on the entire site developing under A-1 standards, since there is not an approved Development Plan on the R-3A portion. Proposed Development is based on the proposed project consisting of 60 townhome units.

### *Utilities:*

The site is located in the Seminole County utility service area, and will be required to connect to public utilities. There is a 16-inch water main 900 ± feet to the north at Howell Branch Road and Bear Gully Road and an 8-inch gravity sewer line 700 ± feet to the south on Howell Branch Road. The subject property is in the ten year master plan for reclaimed water. An alternative source for irrigation water, such as a shallow well, will be required until reclaimed water becomes available.

### *Transportation / Traffic:*

The proposed access is onto Howell Branch Road, which is classified as a Collector. Howell Branch Road is currently operating at a Level-Of-Service "B" in this area. Howell Branch Road is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

### *School Impacts:*

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 13 school age children. This subject site is currently zoned for, and will affect, the following schools:

<b>Schools Impacted</b>	<b>Proposed Impact</b>	<b>Current Capacity</b>	<b>Enrollment as of 2/10/06</b>	<b>Percent Capacity</b>
Eastbrook Elementary	7	932	784	84.1%
Tuskawilla Middle	3	1250	1130	81.4%
Lake Howell High	3	2363	2181	87.7%

### *Public Safety:*

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station #23, which is located at 4810 Howell Branch Road and meets the Level-Of-Service standard.

### *Drainage:*

The proposed project is located within the Howell Creek Drainage Basin. The applicant is proposing to connect to the existing adjacent stormwater pond. Verification of the capacity of the adjacent stormwater pond to handle the proposed connection will be required at final engineering. This will include verification as to whether the existing stormwater pond was originally designed to handle flow from the existing site via the Howell Branch Road collection system.

### *Parks, Recreation and Open Space:*

In accordance with Section 30.250 of the Land Development Code, the applicant will be required to provide 25% open space within the development. The Development Plan indicates that the project contains 39.83% open space.

### *Buffers and Sidewalks:*

The following buffer standards contained in the attached Development Order will apply:

East (along Howell Branch Road): 25' landscape buffer and 6' masonry wall

West: 15' landscape buffer and 6' masonry wall

North: Landscaped dry retention area and 6' masonry wall

South: 15' landscape buffer and 6' masonry wall

There is an existing sidewalk along the property frontage on Howell Branch Road.

### **APPLICABLE POLICIES:**

#### **FISCAL IMPACT ANALYSIS**

This project does not warrant running the County Fiscal Impact Analysis Model.

#### **SPECIAL DISTRICTS**

The subject property is not located within any special districts or overlays.

#### **COMPREHENSIVE PLAN (VISION 2020)**

The following policies are applicable with the proposed project:

Policy CIE 3.2: Application to New Development

Policy POT 4.5: Potable Water Connection

Policy SAN 4.4: Sanitary Sewer Connection

Policy PUB 2.1: Public Safety Level-of-Service

### **INTERGOVERNMENTAL NOTIFICATION:**

An Intergovernmental Notice was sent to the Seminole County School Board on April 14, 2006.

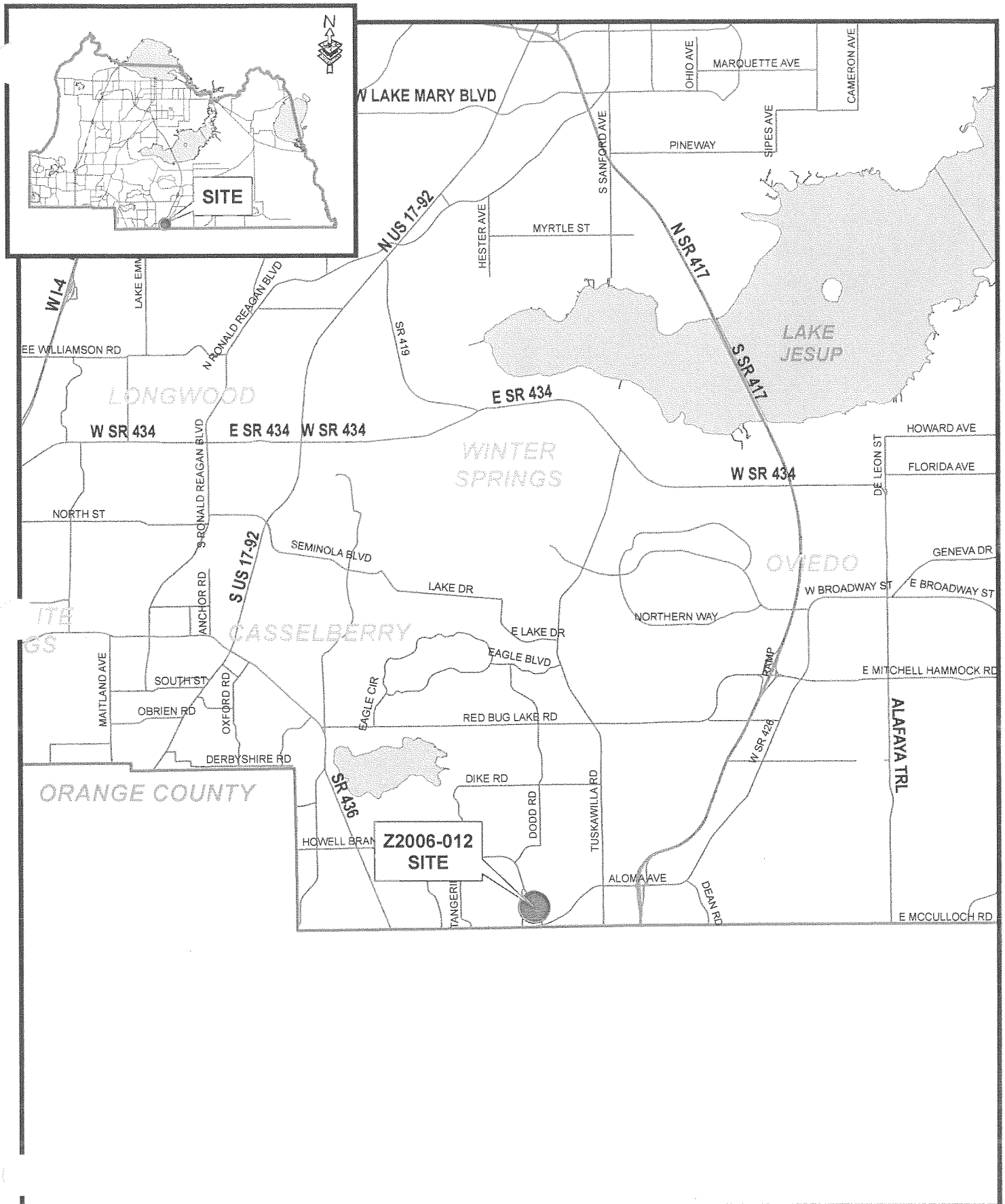
### **LETTERS OF SUPPORT OR OPPOSITION:**

At this time, Staff has received no letters of support or opposition.

### **STAFF RECOMMENDATION:**

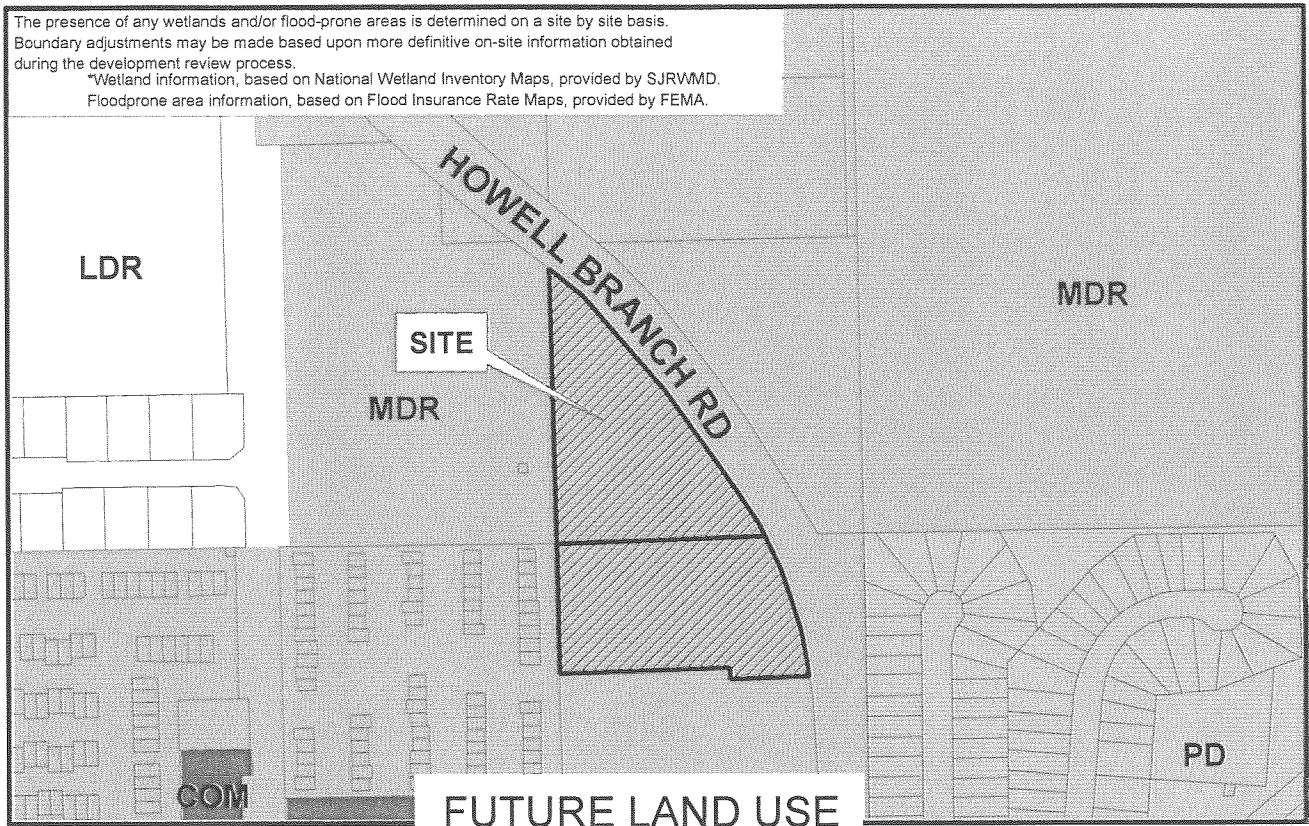
Staff recommends APPROVAL of a request to rezone 7.03 ± acres, located on the west side of Howell Branch Road, 0.18 ± miles north of Aloma Avenue, from A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to R-3A (Multiple Family Dwelling), subject to the attached Development Plan and Development Order.





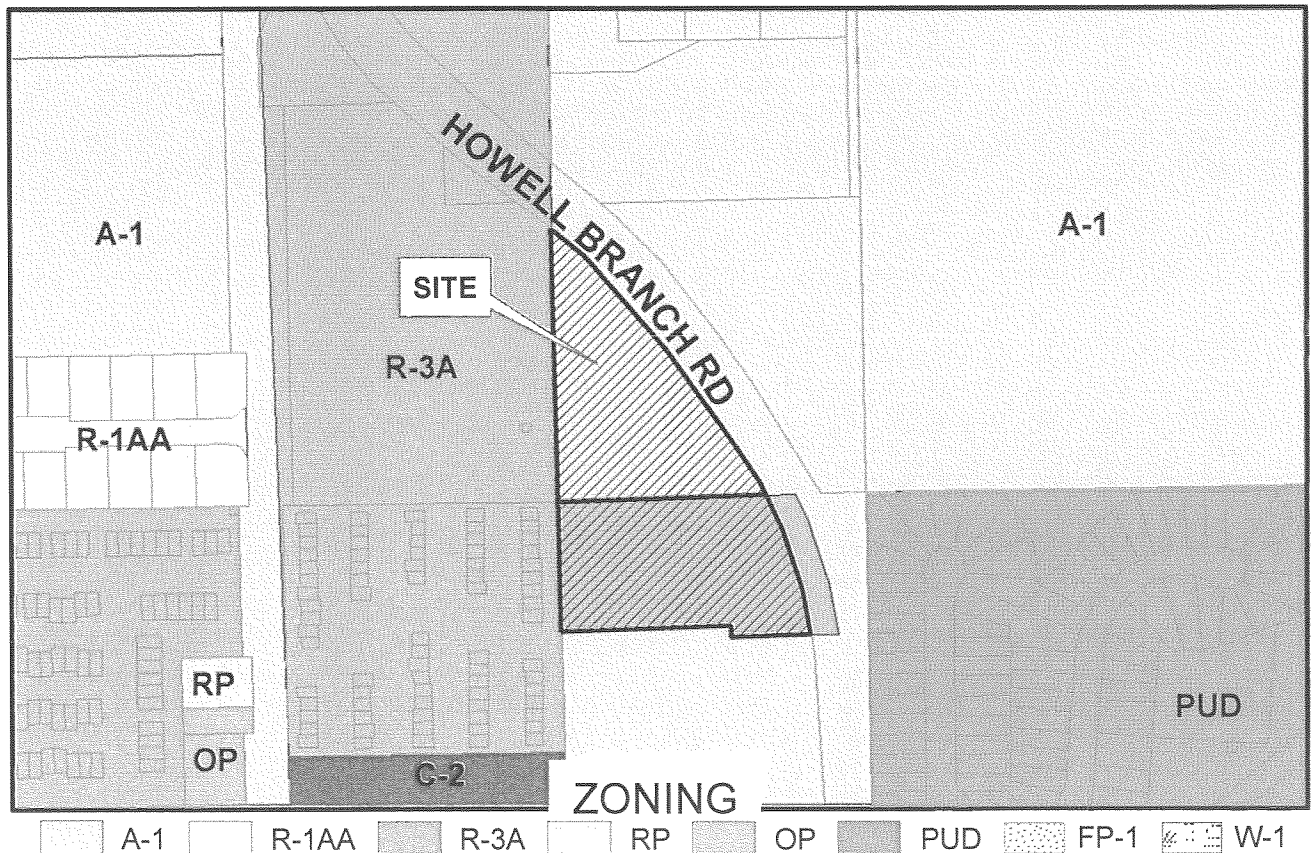
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.  
Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.

\*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.





Applicant: Tony Cipparone  
Physical STR: 35-21-30-300-040A-0000 & 0410-0000  
Gross Acres: 6.73 BCC District: 1  
Existing Use: Vacant  
Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-012	A-1	R-3A





Rezone No: Z2005-012  
From: A-1 To: R-3A

 Parcel  
 Subject Property



January 2004 Color Aerials



## SEMINOLE COUNTY DEVELOPMENT ORDER

On June 27, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as **Exhibit A.**

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

### FINDINGS OF FACT

**Property Owner:** Branch Investments LLC, Robert Horian Registered Agent

**Project Name:** Howell Branch Townhomes Rezone A-1 and R-3A to R-3A

**Requested Development Approval:**

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owners of the property have expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Tina Williamson  
1101 East First Street  
Sanford, Florida 32771

**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development's approval, all of which have been accepted by and agreed to by the owner of the property are as follows;

Standard Conditions:

- a. All development shall comply with the Development Plan attached as Exhibit B.
- b. All townhouse units shall be located on individual platted lots.
- c. The maximum building height shall be two stories, not to exceed 35'.
- d. Accessory structures shall be prohibited on the individual townhouse lots.
- e. Permitted uses shall be fee-simple townhouse units, home offices, home occupations, and customary recreational facilities for the use of the residents.
- f. All landscape buffers and common areas shall be maintained by a homeowners association.
- g. The development shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- h. Sidewalks shall be required on both sides of the internal streets.
- i. Converting garages to living space shall be prohibited.
- j. Storage of RVs and boats on the site shall be prohibited.
- k. Guest parking shall be provided at a minimum rate of 1 space per 3 dwelling units in addition to the required two spaces per dwelling unit.

Project Specific Conditions:

- a. The project shall be developed at a maximum density of 10 dwelling units per net buildable acre, not to exceed 60 townhouse units.
- b. In accordance with Section 30.1344 of the Land Development Code, a minimum of twenty-five (25) percent of the project area must be designated as useable open space per the requirements of the Land Development Code.
- c. A 50' building setback shall apply along Howell Branch Road (east project boundary) and along the west project boundary. A 35' building setback shall apply to the north and south project boundaries.

d. The following setback standards shall apply to the individual townhouse units:

Front Yard Setback	20' (from back of sidewalk)
Side Yard Setback	5' on exterior units, 0' for interior units
(Street) Side Yard Setback	5' (from back of sidewalk)
Rear Yard Setback	5'

e. The following minimum buffer standards shall apply:

East (along Howell Branch Road): 25' landscape buffer and 6' masonry wall  
West: 15' landscape buffer and 6' masonry wall  
North: Landscaped dry retention area and 6' masonry wall  
South: 15' landscape buffer and 6' masonry wall

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owners of the said property have expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

**Done and Ordered on the date first written above.**

Attest: \_\_\_\_\_  
Maryanne Morse  
Clerk to the Board of County Commissioners

By: \_\_\_\_\_  
Board of County Commissioners  
Carlton D. Henley, Chairman

OWNER'S CONSENT AND COVENANT

**COMES NOW**, the owner, Branch Investments LLC, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Robert Horian, Registered Agent

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

STATE OF FLORIDA        )

COUNTY OF SEMINOLE    )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Robert Horian, who is personally known to me or who has produced \_\_\_\_\_ has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

EXHIBIT A  
Legal Description

PARCEL 1:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 30 EAST, RUN SOUTH TO A POINT 385.27 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHEAST 1/4, OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, THENCE EAST 375 FEET, THENCE SOUTH 01°08'15" EAST 24 FEET, THENCE EAST 161.65 FEET TO THE WESTERLY RIGHT OF WAY OF HOWELL BRANCH ROAD (FORMERLY HALL ROAD), THENCE NORTHERLY ALONG THE WESTERLY RIGHT OF WAY TO A POINT EAST OF THE BEGINNING, THENCE WEST TO BEGINNING, BEING IN SEMINOLE COUNTY, FLORIDA.

PARCEL 2:

THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING WESTERLY OF HOWELL BRANCH ROAD (FORMERLY HALL ROAD) IN SECTION 35, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA.

CONTAINS 306,084 SQUARE FEET OR 7.0267 ACRES MORE OR LESS.



# SITE DATA

## 1. SUMMARY OF SITE:

ALL INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR THE ACCURACY AND COMPLETENESS OF THE INFORMATION. THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY AND COMPLETENESS OF THE INFORMATION. THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY AND COMPLETENESS OF THE INFORMATION.

## 2. GENERAL:

2.1. PROJECT NAME: SUNCOAST SUBDIVISION PLAN  
2.2. PROJECT LOCATION: 541 N PALMETTO AVE., SEMINOLE COUNTY, FLORIDA  
2.3. PROJECT OWNER: SUNCOAST SUBDIVISION, INC.

## 3. SITE DATA:

3.1. TOTAL AREA: 1.17 ACRES  
3.2. TOTAL BUILDING AREA: 1.17 ACRES  
3.3. TOTAL PARKING AREA: 1.17 ACRES

## 4. BUILDING DATA:

4.1. BUILDING NO. 1: 1.17 ACRES  
4.2. BUILDING NO. 2: 1.17 ACRES  
4.3. BUILDING NO. 3: 1.17 ACRES

## 5. PARKING DATA:

5.1. PARKING NO. 1: 1.17 ACRES  
5.2. PARKING NO. 2: 1.17 ACRES  
5.3. PARKING NO. 3: 1.17 ACRES

## 6. RETENTION DATA:

6.1. RETENTION NO. 1: 1.17 ACRES  
6.2. RETENTION NO. 2: 1.17 ACRES  
6.3. RETENTION NO. 3: 1.17 ACRES

## 7. SCREENWALL DATA:

7.1. SCREENWALL NO. 1: 1.17 ACRES  
7.2. SCREENWALL NO. 2: 1.17 ACRES  
7.3. SCREENWALL NO. 3: 1.17 ACRES

## 8. LANDSCAPE DATA:

8.1. LANDSCAPE NO. 1: 1.17 ACRES  
8.2. LANDSCAPE NO. 2: 1.17 ACRES  
8.3. LANDSCAPE NO. 3: 1.17 ACRES

## 9. OTHER DATA:

9.1. OTHER NO. 1: 1.17 ACRES  
9.2. OTHER NO. 2: 1.17 ACRES  
9.3. OTHER NO. 3: 1.17 ACRES

## 10. NOTES:

10.1. ALL INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR THE ACCURACY AND COMPLETENESS OF THE INFORMATION. THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY AND COMPLETENESS OF THE INFORMATION.

## 11. GENERAL:

11.1. PROJECT NAME: SUNCOAST SUBDIVISION PLAN  
11.2. PROJECT LOCATION: 541 N PALMETTO AVE., SEMINOLE COUNTY, FLORIDA  
11.3. PROJECT OWNER: SUNCOAST SUBDIVISION, INC.

## 12. SITE DATA:

12.1. TOTAL AREA: 1.17 ACRES  
12.2. TOTAL BUILDING AREA: 1.17 ACRES  
12.3. TOTAL PARKING AREA: 1.17 ACRES

## 13. BUILDING DATA:

13.1. BUILDING NO. 1: 1.17 ACRES  
13.2. BUILDING NO. 2: 1.17 ACRES  
13.3. BUILDING NO. 3: 1.17 ACRES

## 14. PARKING DATA:

14.1. PARKING NO. 1: 1.17 ACRES  
14.2. PARKING NO. 2: 1.17 ACRES  
14.3. PARKING NO. 3: 1.17 ACRES

## 15. RETENTION DATA:

15.1. RETENTION NO. 1: 1.17 ACRES  
15.2. RETENTION NO. 2: 1.17 ACRES  
15.3. RETENTION NO. 3: 1.17 ACRES

## 16. SCREENWALL DATA:

16.1. SCREENWALL NO. 1: 1.17 ACRES  
16.2. SCREENWALL NO. 2: 1.17 ACRES  
16.3. SCREENWALL NO. 3: 1.17 ACRES

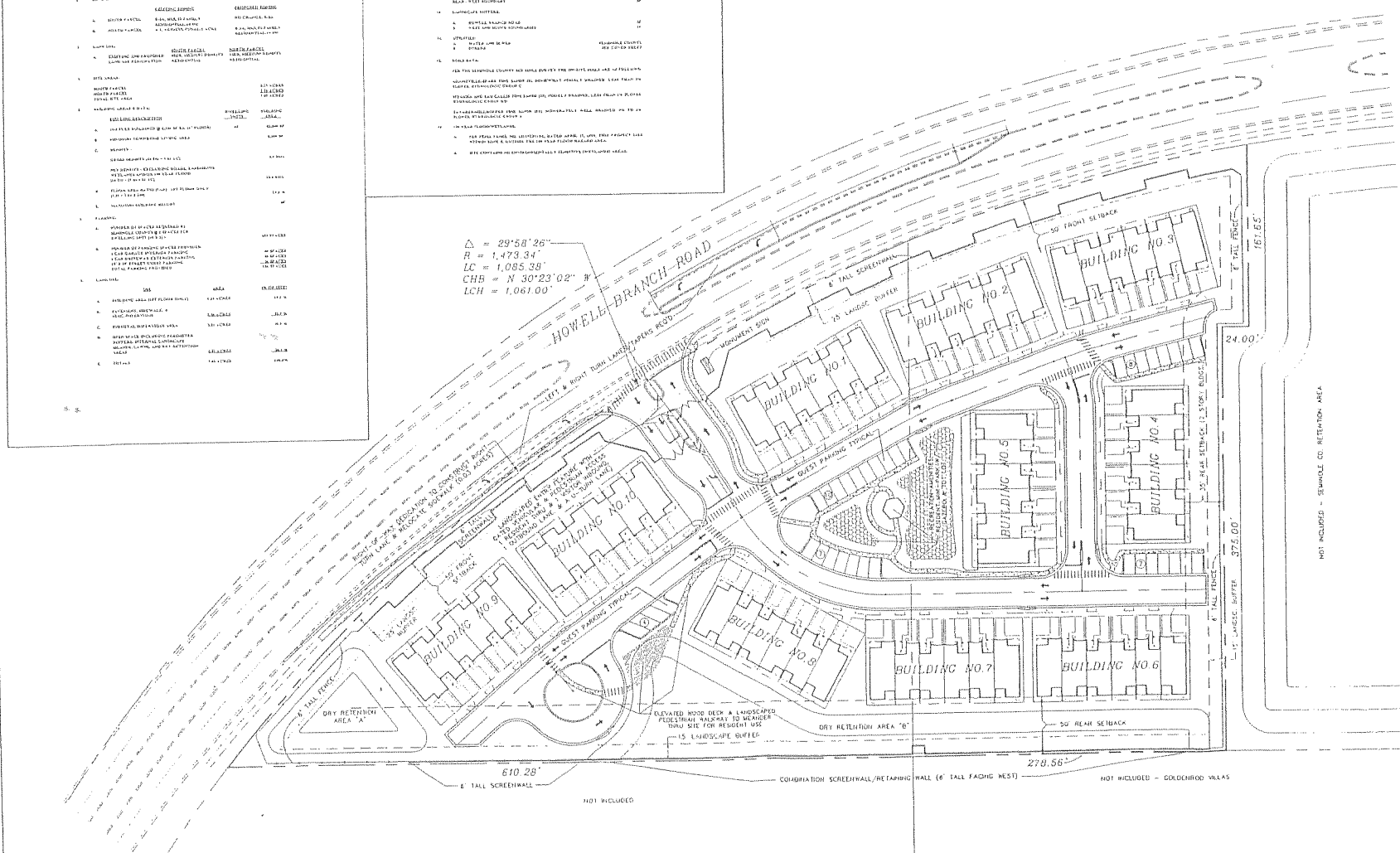
## 17. LANDSCAPE DATA:

17.1. LANDSCAPE NO. 1: 1.17 ACRES  
17.2. LANDSCAPE NO. 2: 1.17 ACRES  
17.3. LANDSCAPE NO. 3: 1.17 ACRES

## 18. OTHER DATA:

18.1. OTHER NO. 1: 1.17 ACRES  
18.2. OTHER NO. 2: 1.17 ACRES  
18.3. OTHER NO. 3: 1.17 ACRES

$\Delta = 29^{\circ}58'26''$   
 $R = 1,473.34'$   
 $LC = 1,085.39'$   
 $CHS = N 30^{\circ}23'02'' W$   
 $LCH = 1,061.00'$



DESIGN SERVICE GROUP, INC.

3624 SOUTH GRANT STREET  
LONGWOOD, FLORIDA 32750  
PHONE: (407) 331-5773 FAX: (407) 331-5774

PRELIMINARY SUBDIVISION PLAN

HOWELL BRANCH RD.

TOWNHOMES

SEMINOLE COUNTY, FLORIDA

DESIGN SERVICE GROUP, INC.

3624 SOUTH GRANT STREET  
LONGWOOD, FLORIDA 32750  
PHONE: (407) 331-5773 FAX: (407) 331-5774

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) DISTRICT AND THE R-3A (MULTIPLE-FAMILY DWELLING) DISTRICT ZONING CLASSIFICATION THE R-3A (MULTIPLE-FAMILY DWELLING) DISTRICT ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR EXCLUSION FROM CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Howell Branch Road Townhomes Rezone to R-3A."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from A-1 (Agriculture) district and R-3A (Multiple-Family Dwelling) district to R-3A (Multiple-Family Dwelling) district:

**SEE ATTACHED EXHIBIT A**

**Section 3. EXCLUSION FROM CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this

Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # 05-20000005 in the Official Land Records of Seminole County.

ENACTED this 27th day of June 2006.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman

**EXHIBIT A  
LEGAL DESCRIPTION**

PARCEL 1:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 30 EAST, RUN SOUTH TO A POINT 385.27 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHEAST 1/4, OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, THENCE EAST 375 FEET, THENCE SOUTH 01°08'15" EAST 24 FEET, THENCE EAST 161.65 FEET TO THE WESTERLY RIGHT OF WAY OF HOWELL BRANCH ROAD (FORMERLY HALL ROAD), THENCE NORTHERLY ALONG THE WESTERLY RIGHT OF WAY TO A POINT EAST OF THE BEGINNING, THENCE WEST TO BEGINNING, BEING IN SEMINOLE COUNTY, FLORIDA.

PARCEL 2:

THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING WESTERLY OF HOWELL BRANCH ROAD (FORMERLY HALL ROAD) IN SECTION 35, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA.

CONTAINS 306,084 SQUARE FEET OR 7.0267 ACRES MORE OR LESS.